

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JUAN SILVA,

Defendant.

8:09CR63

ORDER

This matter is before the court on the defendant's motion to continue trial (Doc. 52). The defendant has already been granted several continuances of the trial date and the deadline for filing pretrial motions. The September 8, 2009 trial date was set by Judge Smith Camp during a hearing on May 26, 2009. I note that defense counsel did not comply with Judge Smith Camp's order of June 25, 2009 (Doc. 41) that he "immediately file a speedy trial affidavit signed by the Defendant as required under NECrimR 12.3(a)." Nor has the defendant filed a speedy trial affidavit in conjunction with this most recent motion for a continuance.

Considering the record as a whole, the defendant's failure to file any speedy trial waiver as required by NECrimR 12.1 and/or 12.3 and the orders of the court, and the content of the defendant's motion, I find that the defendant has not shown good cause for an extension of the September 8, 2009 trial date.

IT IS ORDERED that the defendant's motion to continue trial (Doc. 52) is denied.

Pursuant to NECrimR 57.2, a party may appeal this order by filing an "Appeal of Magistrate Judge's Order" no later than **Tuesday, September 1, 2009.**

DATED August 26, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge